

HOUSE BILL NO. 406

INTRODUCED BY M. REINHART

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING INTERIM ZONING; ALLOWING THE BOARD OF COUNTY COMMISSIONERS TO ADOPT AN INTERIM ZONING RESOLUTION FOLLOWING NOTICE AND HEARING; AND AMENDING SECTIONS 75-15-103 AND 76-2-206, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-15-103, MCA, is amended to read:

"75-15-103. Definitions. As used in this part, the following definitions apply:

(1) "Commercial or industrial activities" means for purposes of subsection (14) those activities generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following activities are considered commercial or industrial:

- (a) agricultural, forestry, grazing, farming, and related activities, including wayside fresh produce stands;
- (b) transient or temporary activities;
- (c) activities not visible from the main-traveled way;
- (d) activities conducted in a building principally used as a residence;
- (e) railroad tracks and minor sidings;
- (f) activities more than 660 feet from the nearest edge of the right-of-way.

(2) "Commercial or industrial zone" means an area that is used or reserved for business, commerce, or trade pursuant to comprehensive local zoning ordinances, regulations, or enabling state legislation, including highway service areas lawfully zoned as highway service zones, where the primary use of the land is or is reserved for commercial and roadside services, other than outdoor advertising, to serve the traveling public. Areas temporarily zoned as commercial or industrial by an interim ~~regulation or map~~ resolution adopted as an emergency measure pursuant to 76-2-206 are not covered by this definition.

(3) "Commission" means the transportation commission of Montana.

(4) "Department" means the department of transportation.

(5) "Information center" means an area or site established or maintained at safety rest areas for the purpose of informing the public of places of interest within the state and providing other information that the

1 commission may consider desirable.

2 (6) "Interchange" or "intersection" means those areas and their approaches where traffic is channeled
3 off or onto an interstate route, including the deceleration lanes or acceleration lanes from or to another federal,
4 state, county, city, or other route.

5 (7) "Interstate system" means that portion of the national system of interstate and defense highways
6 located within this state as officially designated or as may be designated by the commission and approved by the
7 secretary pursuant to the provisions of Title 23, United States Code, "Highways".

8 (8) "Maintain" means to allow to exist, subject to the provisions of this part.

9 (9) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing sign structure in a
10 state suitable for use.

11 (10) "Outdoor advertising" means any outdoor sign, display, light, device, figure, painting, drawing,
12 message, plaque, poster, billboard, or other structure that is designed, intended, or used to advertise or inform
13 and that is visible from any place on the main-traveled way of the interstate or primary systems.

14 (11) "Primary system" means that portion of connected main highways as officially designated or as may
15 be designated by the commission and approved by the secretary pursuant to the provisions of Title 23, United
16 States Code, "Highways".

17 (12) "Safety rest area" means an area or site established and maintained within or adjacent to the
18 right-of-way, by or under public supervision or control, for the convenience of the traveling public.

19 (13) "Secretary" means the secretary of the United States department of transportation.

20 (14) "Unzoned commercial or industrial area" means an area not zoned by state or local law, regulation,
21 or ordinance that is occupied by one or more commercial or industrial activities, other than outdoor advertising,
22 on the lands along the highway for a distance of 600 feet immediately adjacent to the activities.

23 (15) "Urban area" means an urbanized area or place, as designated by the United States bureau of the
24 census, that has a population of 5,000 or more and that is within boundaries fixed by the department. The
25 boundaries must at a minimum encompass the entire urban place designated by the bureau of the census.

26 (16) "Visible" means capable of being seen and legible without visual aid by a person of normal visual
27 acuity."

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29 **Section 2.** Section 76-2-206, MCA, is amended to read:

30 **"76-2-206. Interim zoning resolution -- inclusion of zoning map or regulation.** (1) The board of

1 county commissioners may adopt an interim zoning resolution, including a zoning map or regulation, ~~as an~~
2 ~~emergency measure~~ in order to promote the public health, safety, morals, ~~and~~ or general welfare if:

3 ~~—— (a) the purpose of the interim zoning map or regulation is to classify and regulate those uses and related~~
4 ~~matters that constitute the emergency; and~~

5 ~~—— (b) the county:~~

6 ~~(i)(a)~~ is conducting or in good faith intends to conduct studies within a reasonable time; or

7 ~~(ii)(b)~~ has held or is holding a hearing for the purpose of considering any of the following:

8 ~~(A)(i)~~ a growth policy;

9 ~~(B)(ii)~~ zoning regulations; or

10 ~~(C)(iii)~~ a revision to a growth policy, ~~to a master plan~~, as provided for in 76-1-604~~(6)~~ and 76-2-201~~(2)~~, or
11 to zoning regulations pursuant to this part.

12 (2) The interim resolution may take effect immediately upon adoption, if a hearing is first held after
13 publication of notice in a newspaper of general circulation at least 7 days before the hearing.

14 (2)(3) An After notice and a public hearing, the interim resolution must be limited to 1 year from the date
15 it becomes effective. The board of county commissioners may extend the interim resolution for 1 year, but not
16 more than one extension may be made."

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